

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought in the application entitled

Tissue Distraction Device,
the specification of which _____ is attached hereto.
_____ X _____ was filed on March 30, 2004 as
United States Application Serial No. _____ or
PCT International Application No. _____
and was amended on _____.
(if applicable)

I hereby declare that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to herein.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate on which priority is claimed (as listed below) and I have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	<u>Yes</u>	<u>No</u>
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	<u>Yes</u>	<u>No</u>

I hereby claim benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

<u>60/459,036</u>	<u>March 31, 2003</u>
Application Number	Filing Date

Application Number _____ Filing Date _____

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status)(Patented, Pending, Abandoned)
(Application Serial No.)	(Filing Date)	(Status)(Patented, Pending, Abandoned)

And I hereby appoint Paul J. Maginot, Registration No. 34,984, Harold C. Moore, Registration No. 37,892, Michael D. Beck, Registration No. 32,722, David M. Lockman, Registration No. 34,214, David B. Quick, Registration No. 31,993, James D. Wood, Registration No. 43,285 and Robert Rodrick, Registration No. 27,086 as attorneys of record with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Please direct all communications regarding the application to:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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